Since Applicant filed appropriate claim amendments on 10/22/2009 following the

BPAI decision, which reversed the Examiner's rejections of pending claims and entered

a new ground of rejection for pending claims for being non-statutory under 35 USC 101,

the proceeding has been remanded to the Examiner and **the prosecution for this**

application has been reopened (See BPAI decision, page 17 lines 1 – 7).

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes

and/or additions be unacceptable to applicant, an amendment may be filed as provided

by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be

submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone

interview with Tarek N. Fahmi (Reg. No. 41,402) on 11/19/2009.

From the amendments filed on 10/22/2009, the application has been

amended as follows:

Claim 1:

A method for comparing file tree descriptions comprising:

at ~~by~~ a computer ~~system~~ having a processor and a memory communicatively

coupled to the processor, <u>wherein</u> the memory ~~storing~~ <u>stores</u> a computer program,

which when executed by the processor causes the processor to operate the computer

as a file tree comparator ~~by performing the method,~~:

obtaining a first file structure;

obtaining a second file structure;

comparing said first file structure to said second file structure;

generating a sequence log of changes that transform said first file

structure to said second file structure; and

optimizing the sequence log of changes by detecting a creation operation

and a deletion operation associated with the same file and replacing the creation

operation and the deletion operation with a reparent operation.

Claim 9:

A ~~file tree comparator~~ <u>system for comparing file tree descriptions</u> comprising:

a processor ~~configured to operate, under~~ <u>executing</u> instructions stored ~~by~~ <u>in</u> a

memory communicatively coupled to the processor, ~~as~~ said ~~comparator~~ <u>processor</u>

<u>operating as:</u>

    <u>a file tree comparator performing:</u>

        ~~for~~ obtaining and comparing a first file structure to a second file

structure;

        ~~to generate~~ <u>generating</u> a sequence log of changes that transform

said first file structure to said second file structure; and

        ~~to optimize~~ <u>optimizing</u> the sequence log of changes by detecting a

creation operation and a deletion operation associated with the same file

and replacing the creation operation and the deletion operation with a

reparent operation.

Claim 10:

~~The file tree comparator~~ <u>The system</u> of claim 9 wherein comparing further

comprises:

recursively walking said first file tree structure.

Claim 12:

~~The file tree comparator~~ <u>The system</u> of claim 9 wherein said first file structure is a

file tree index.

Clam 13:

~~The file tree comparator~~ <u>The system</u> of claim 9 wherein said second file structure

is a file tree index.

Claim 14:

~~The file tree comparator~~ <u>The system</u> of claim 9 wherein comparing further

comprises:

comparing one or more folders of said first file structure along with its children

with a corresponding folder along with its children in said second file structure.

Claim 17:

A computer-readable <u>storage</u> medium storing ~~computerexecutable~~ <u>computer-executable</u> instructions for performing a method of comparing file tree descriptions, said method comprising:

obtaining a first file structure;

obtaining a second file structure;

comparing said first file structure to said second file structure;

generating a sequence log of changes that transform said first file structure to said second file structure; and

optimizing the sequence log changes by detecting a creation operation and a deletion operation associated with the same file and replacing the creation operation and the deletion operation with a reparent operation.

Claim 18:

The computer-readable <u>storage</u> medium of claim 17, wherein comparing further comprises:

recursively walking said first file tree structure.

Claim 20:

The computer-readable <u>storage</u> medium of claim 17 wherein said first file structure is a file tree index.

Clam 21:

The computer-readable <u>storage</u> medium of claim 17 wherein said second file

structure is a file tree index.

Claim 22:

The computer-readable <u>storage</u> medium of claim 17 wherein comparing further

comprises:

comparing one or more folders of said first file structure along with its children

with a corresponding folder along with its children in said second file structure.

Reason for Allowance

<u>The following is an examiner's statement of reasons for allowance:</u>

Prior art references, Tso and Multer, teach in the same field of the invention, a

system and a method for obtaining a first and a second data set, comparing the data

sets, generating a change list, optimizing the change log by detecting creation and

deletion operations. However, <u>Tso and Multer do not teach reparenting a file tree</u>

<u>branch, which is a feature in every independent claim</u> (See BPAI decision, page 8 lines

12 - 15). Tso and Multer teach synchronizing and optimizing data, utilizing a change log

of data including creation and deletion operations. The Applicant's invention additionally

claims the novel feature, "replacing the creation operation and the deletion operation

with a reparent operation."

<u>For the foregoing reasons, independent claims 1, 19 and 17, along with</u>

<u>their dependent claims 1, 4 – 6, 10, 12 – 14, 18 and 20 – 22, are allowable.</u>

Any comments considered necessary by applicant must be submitted no later

than the payment of the issue fee and, to avoid processing delays, should preferably

accompany the issue fee. Such submissions should be clearly labeled "Comments on

Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to SANGWOO AHN whose telephone number is (571)272-

5626. The examiner can normally be reached on M-F 10-6.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

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For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Tim T. Vo/   11/20/2009
Supervisory Patent Examiner, Art Unit 2168   /S. A./
                                                                    Examiner, Art Unit 2168